Initially, Applicants note that the Examiner has not otherwise responded to the Amendment filed April 19, 2006 and the arguments presented therein with respect to the applied art. Specifically, it has been argued that the present invention differs from the prior art in view of at least the multilayer structure of the printing plate precursor and the weight average molecular weight of the novolak-type phenolic resins and evidence has been submitted establishing the significance of these features of the present invention. Applicants respectfully request the Examiner to consider these issues.

Notwithstanding the above, Applicants claim priority to Japanese Patent Application No. 2003-11024 filed in Japan on January 20, 2003, which precedes the effective date of Kawamura et al under 35 U.S.C. § 102(a) based on its publication date of May 1, 2003. A sworn English translation of JP 2003-11024 is submitted herewith to perfect Applicants' priority claim. The English translation provides support for the subject matter of the rejected claims.

Additionally, Kawamura et al and the present invention were commonly owned by, or subject to an obligation of assignment to, Fuji Photo Film Co., Ltd. at the time the present invention was made. Therefore, in accordance with 35 U.S.C. § 103(c), Kawamura et al is disqualified as § 102(e) prior art.

Applicants further note that Kitson and Miyake do not teach or suggest the present invention.

The specific novolak resin of the present invention has the following features:

- exhibiting effects when the recording layer has a multilayer structure and the coating amount of the lower layer is restricted to within a specific range;
- containing a phenol structural unit thereof;

- containing m-cresol in an amount of 10% by mole or more; and
- having a small molecular weight.

Neither Miyake nor Kitson disclose a novolak resin having these features.

If the novolak resins disclosed in Miyake and Kitson were applied to the present invention in ranges and under conditions other than those recited for the present invention (e.g., if the specific novolak resin was used in a recording layer without a multilayer structure, if a phenolic type novolak resin which did not contain m-cresol in an amount of 10% by mole or more was used, or if a novolak resin having a molecular weight which was too large was used), the effect of suppressing generation of scratches caused by the influence of a high concentration alkali aqueous solution could not be obtained, and as a result, development latitude would not be extended.

Therefore, there is no motivation to combine Miyake and Kitson with a reasonable expectation of success.

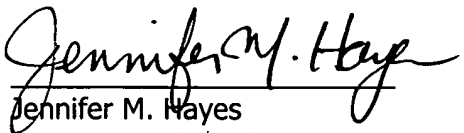
In view of the above, the present invention is not rendered obvious over the prior art and therefore, withdrawal of the §103 rejection.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Jennifer M. Hayes
Registration No. 40,641

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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